THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19605 OF 1995

DATED: 12-09-1995

BETWEEN

T.V. Raja Rao,
S/o. late T.A.R. Prasad,
R/o. Hyderabad.

...PETITIONER

AND

District Collector & First Class,
Magistrate & Chairman,
Board of Governors,
Visakha Valley School,
Visakhapatnam.

...RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent in issuing proceedings dated 07.04.1994 and 30.04.1994 as arbitrary and illegal.

Learned counsel for the petitioner submits that the petitioner was appointed as Principal of Visakha Valley School, Visakhapatnam by proceedings of the first respondent dated 27.02.1993 subject to executing an agreement. The petitioner assumed the charge on 03.05.1993. The petitioner has been discharged from services vide proceedings of the respondent dated 07.04.1994 on the ground that in the clause (2) of the said agreement executed by the petitioner the petitioner shall be on probation for a period of 12 months from the date of taking charge and before the expiry of 12 months the management of the school is entitled to terminate the services of the

petitioner by giving one month notice or one month's salary in lieu of notice without assigning any cause. Accordingly, the management of the School met on 06.04.1994 i.e. even before the expiry of 12 months of probation period and discharged the services of the petitioner by giving one month salary in lieu of one month notice. Aggrieved by the said order this writ petition has been filed contending that, no doubt, the impugned order discloses that no stigma has been attached but when the petitioner wanted to secure a job in Cal Public School the management of the said school rejected his appointment him on the ground that he was terminated by the respondent school even before the probation period, which is a misconduct.

A perusal of the impugned order goes to show absolutely no stigma has been attached while discharging the services of the petitioner without assigning any reason.

Counter has been filed stating that assigning reasons for discharge would tend to cast stigma on the petitioner and would mar his chances of employment in any other educational institutions, but as the order of discharge was passed without assigning any reason,
it cannot be said that stigma has been attached while terminating the services of the petitioner. It is stated that, in fact, no letter has been received from the Cal Public School and no letter has been addressed to the said School, therefore, it cannot be said that something has been informed to the said School casting stigma on the petitioner.

I am of the opinion that the termination order is simplicitor and even before the probation was declared the management was empowered to discharge the services of the petitioner in accordance with the agreement entered into by the petitioner. Therefore, I do not see any illegality or irregularity in discharging the services of the petitioner.

The writ petition is devoid of merits and it is accordingly dismissed.

No costs.

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V. ESWARAIAH, J

September 12, 2006
DSK